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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,982	03/30/2001	William J. Tumulty	05793.3034	4192
22852	7590	02/09/2004		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			EXAMINER ALIMENTI, SUSAN C	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/820,982	TUMULTY ET AL.	
	Examiner	Art Unit	
	Susan C. Alimenti	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-⁵⁵~~42~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Borodow et al. (US 2002/0101979 A1).

3. Regarding claims 1, 3-6, 9, 11, 22, 24-27, 29, 30, 32, 43, 45-48, 51 and 53-55, Borodow et al. (Borodow hereafter) discloses a method of receiving a customer inquiry except it is not expressly disclosed that the customer is prompted to provide an identification number.

Borodow's method comprises receiving a customer inquiry as a phone call and the customer is then identified by a name, telephone number, customer ID, or e-mail address (Borodow, [0042]).

Once the customer has been identified a predetermined priority score is determined (Borodow, [0010]) and the call is then queued based upon this rating, with a higher rating placing a caller ahead of a caller with a lower rating (Borodow, [0057]). The customer information used to determine the priority rating comprises financial information such as "dollar amount spent within a predetermined period" and "dollar amount owed", and information that indicates customer buying preferences such as "kinds of products purchased or services requested".

Customer information can be updated at anytime by the administrator or the customer themselves, and thus instantly affecting the priority rating (Borodow, [0044]). Regarding the identification number, Borodow teaches that a customer ID is used to recall customer

Art Unit: 3644

information, he however does not expressly state where in the process said ID is used. It is well known that supplying a customer ID in the beginning of the call eliminates errors, optimizes the call time consumption and allows for the call to be most efficiently handled. It is noted that other forms of identification could be used, however an ID number is most efficient because it can be typed into the phone and is assigned to only one customer, while a name or e-mail must be spoken by the caller and interpreted by an agent or computer program, and the phone number alone is an insufficient form of identification assuming several customers could potentially call from a single phone line. It would have been obvious to one having ordinary skill in the art at the time the invention was made to enhance Borodow's method by requesting a customer identification number at the beginning of the call in order to efficiently process the call and properly identify a customer,

4. Regarding claims 8, 12-13, 15-17, 21, 33, 34, 36-39, 42 and 50 and the above discussion, Borodow discloses the claimed method except the customer does not provide information in response to a predetermined set of queries. Generally, Borodow teaches a method of determining the priority rating of a customer by evaluating customer behavior and buying history and attributing predetermined ratings to said behaviors. It is well known that generating a questionnaire for the customer to complete in order to provide personal information is an equivalent means of further enhancing a customer profile based directly upon customer response and behavior. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Borodow's method by adding the step of asking a customer a set of predetermined questions in order to further define the customer's buying habits.

Art Unit: 3644

5. Regarding claims 2, 7, 14, 23, 24, 28, 35, 44, 49 and the above discussions, Borodow discloses the claimed method except it is not positively disclosed that a timestamp is attached to each call as it is received in order to further process the calls in the event that two callers are determined to have the same priority rating. The step of attaching a timestamp to a call is considered to be standard operating procedure for customer service call centers or any call processing center in order to keep complete records. Borodow does not discuss what protocol should be followed should a situation arise where two calls have the same priority rating, however it is considered obvious that the system would default back to order reception assuming no other extenuating circumstances arose. Furthermore, Borodow teaches that other parameters may be combined with the priority rating in order to determine the final queue for a call (Borodow, [0059]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to add the step of queuing two calls with the same priority rating in the order they were received since it is known that this is the default mode for most call processing centers.

6. Regarding claims 10, 20, 31, 41, 52 and the above discussion, Borodow discloses the claimed method except three distinct queues (i.e. high, medium and low) are not expressly defined. Instead Borodow simply states that the pending calls are “queued in order of their customer priority attribute-based rating; e.g. a call with a higher customer attribute-based priority rating is placed ahead of a call with a lower customer attribute-based priority rating” (Borodow, [0057]). While the calls are not placed in one of three individual groups they are placed in an order that is defined by their priority rating, which is equivalent to the high to low level priority groups as claimed in the present invention. It would have been obvious to one having ordinary

Art Unit: 3644

skill in the art at the time the invention was made to split the calls into groups, while maintaining a priority based queue, in order to better organize the calls since this would be within the level of ordinary skill in the art.

7. Regarding claims 18, 19, 39 and 40 and the above discussion, Borodow discloses the claimed method except the customer information is not disclosed to comprise whether the customer has a credit card or a checking account. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make of record whether the customer has a credit card or checking account since the Examiner takes Official Notice that having such financial information about a customer on record is known to aid in the purchasing process and would be within the level of ordinary skill in the art.

Response to Arguments

8. Applicant's arguments filed 12/8/2003 have been fully considered but they are not persuasive. The crux of Applicant's arguments is that Borodow et al. (US 2002/0101979 A1) does not constitute proper prior art because said application was filed July 9, 2001, after the priority date of the present application, and the parent (CIP) data does not contain the subject matter relied upon in the present rejection. The Examiner respectfully disagrees and has included the pre-grant publication document (US 2003/0093533 A1) for U.S. Application No. 09/798,226 to Ezerzer et al. (hereafter Ezerzer or "the '266 application"). It is also noted that the second parent document to Borodow et al., U.S. Application 09/638,274, is not presently cited or discussed, as this document has not been publicly disclosed.

Regarding the '266 application, Ezerzer discloses that the call center is capable of identifying a caller "through automatic number identification", which discloses the caller's history (Ezerzer, [0009]). The information included in the caller's history file may be sensitive data such as customer interactions, names, addresses, credit history, etc. (Ezerzer, [0024]). Ezerzer teaches that this data maybe used for "vectoring incoming calls" (Ezerzer, [0009] & [0024]), that is assigning them to specific queues based upon the profile that is created from the aforementioned data. It is further disclosed that priority may be assigned to "Projects"(Ezerzer [0745]), and a type of project can be a phone call, or as Ezerzer defines it "Phone" (Ezerzer, [0392]). While Borodow discloses a more detailed description of the vectoring or queuing of incoming calls, Ezerzer sets forth broad limitations that anticipate the claimed subject matter of the present invention. The Examiner maintains that Borodow and Ezerzer disclose the claimed limitations of the present invention and, therefore the rejection of claims 1-55 in the present application is deemed proper.

In response to the contention that it is not obvious to include credit and checking information in a customer profile, the Examiner again respectfully disagrees. Ezerzer specifically teaches that information regarding "billing permissions and credit authorizations" is included in a customer history or profile (Ezerzer, [0024]). The Examiner maintains that it is obvious to add such financial information to a customer profile.

Finally, the Examiner has further cited the following references to further define the state of the art regarding prioritization of customer calls or inquiries:

USPN 6,487,291 to Walker et al.

USPN 6,570,980 to Baruch

US Pre-grant Pub. 2002/001228 to Shenkman

Applicant is encouraged to review the above documents.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

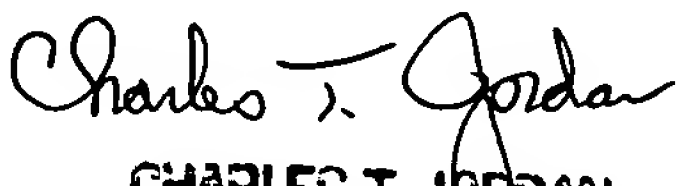
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan C. Alimenti whose telephone number is 703-306-0360. The examiner can normally be reached on Monday-Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles T. Jordan can be reached on 703-306-4159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCA


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